

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CORNELIA LORENZ,

Petitioner,

v.

Case No. 2:20-cv-13128

District Judge Paul D. Borman

Magistrate Judge Kimberly G. Altman

BENJAMIN LORENZ,

Respondent.

_____/

**ORDER CONSTRUING RESPONDENT’S “AFFIDAVIT” (ECF No. 20) AS
A MOTION TO PROCEED *PRO SE* AND REQUEST FOR COUNSEL TO
WITHDRAW AND GRANTING THE SAME**

This is a petition filed by Cornelia Lorenz seeking the return of children under the Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention), which the International Child Abduction Remedies Act, 22 U.S.C. § 9001 *et seq.*, has implemented into United States law. (ECF No. 1). Under 28 U.S.C. § 636(b)(1), all pretrial matters were referred to the undersigned. (ECF No. 7). Before the Court is a document styled “Affidavit of Benjamin Lorenz ”¹ (ECF No. 20), in which Mr. Lorenz states he has terminated his contract

¹ As noted at the hearing, while styled as an affidavit, it is not an affidavit because it is not notarized. *See Sfakianos v. Shelby Cty. Gov’t*, 481 F. App’x 244, 245 (6th Cir. 2012) (stating that “[b]y definition an affidavit is a ‘sworn statement in writing made ... under an oath or on affirmation before ... an authorized officer.’”) (citing

with counsel of record and wishes to represent himself in this matter, i.e. proceed *pro se*. The Court held a hearing on the matter on June 23, 2012, at which it indicated the Court would construe the filing as a motion by Mr. Lorenz to proceed *pro se* and consequently, a request by counsel to withdraw.² The Court questioned Mr. Lorenz regarding his desire and ability to represent himself. Based on Mr. Lorenz's statements on the record at the hearing, the Court GRANTS his motion to proceed *pro se* as well as counsel's request to withdraw.

In order to update the docket, Mr. Lorenz's contact information is as follows:

Benjamin Lorenz
9335 Caprice Drive
Plymouth, MI
phone 734-679-7187
email: Benlorenz@gmail.com.

SO ORDERED.

Dated: June 23, 2021
Detroit, Michigan

s/Kimberly G. Altman
KIMBERLY G. ALTMAN
United States Magistrate Judge

Mason v. Clark, 920 F.2d 493, 495 (8th Cir.1990) (quoting Webster's Third New International Dictionary 35 (1965))). It is also not an unsworn declaration under 28 U.S.C. § 1746(2) because it does not recite that it was signed "under penalty of perjury that the foregoing is true and correct."

² The Court also indicated that it considers the document appearing on the docket as ECF No. 21, styled as a "Stipulation" is in fact a proposed order granting counsel's request to withdraw and notes that it is signed by counsel of record and Mr. Lorenz.

The parties' attention is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days from the date of receipt of a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 23, 2021.

s/Marie E. Verlinde
MARIE E. VERLINDE
Case Manager